

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 United States of America,
5 Plaintiff
6 v.
7 Phillip Smith,
8 Defendant
9

2:11-cr-00058-JAD-CWH

**Order Denying as Moot Motion to Return
Seized Property and for
Manifest/Description of Items in Federal
Custody**

[ECF No. 258]

10 Defendant Phillip Smith pled guilty with a plea agreement to seven counts of Hobbs Act
11 Robbery and one count of conspiracy to commit Hobbs Act Robbery, and he is serving nearly 20
12 years for these offenses. That sentence is running concurrently with a state-court sentence.¹
13 Although Smith titles his motion “Motion to Return Seized Property and for
14 Manifest/Description of which Items are in Federal Custody,” he truly asks only for an item
15 manifest because he “cannot identify or specify any of the items he would like to request without
16 a court order” requiring the “government to present a list of items in their custody” to him.²
17 Because the government provided the requested manifests in response to this motion, I no longer
18 need to order government counsel to do so—Smith has obtained the relief he sought by this
19 motion.

20 Accordingly, IT IS HEREBY ORDERED that Smith’s “Motion to Return Seized
21 Property and for Manifest/Description of which Items are in Federal Custody” [ECF No. 258] is
22 **DENIED** as moot.

23 DATED: November 29, 2017.

24 
25 U.S. District Judge Jennifer A. Dorsey
26

27 ¹ ECF No. 257.

28 ² *Id.* at 2 (emphasis removed).